

# DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I declare that:

My residence, post office address and citizenship are as stated below next to my name; I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: **SUBSTANTIALLY COMPLETE RIBOZYME LIBRARIES** the specification of which      is attached hereto or X was filed on July 20, 1999 as Application No. 09/357,741 and was amended on                      (if applicable).

I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56. I claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

## Prior Foreign Application(s)

Country	Application No.	Date of Filing	Priority Claimed Under 35 USC 119

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

Application No.	Filing Date
60/093,828	July 22, 1998

I claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application No.	Date of Filing	Status

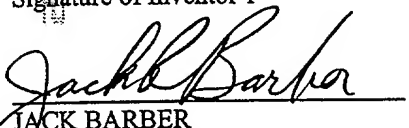

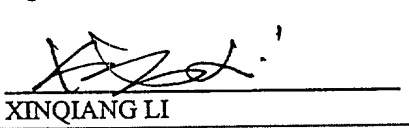
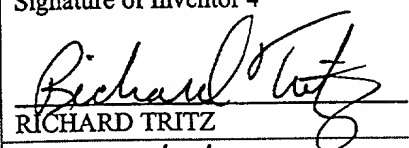
**POWER OF ATTORNEY:** As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Kenneth A. Weber, Reg. No. 31,677  
 Ellen Lauver Weber, Reg. No. 32,762  
 Eugenia Garrett-Wackowski, Reg. No. 37,330  
 Kevin L. Bastian, Reg. No. 34,774

Send Correspondence to: <b>Kenneth A. Weber</b> <b>TOWNSEND and TOWNSEND and CREW LLP</b> <b>Two Embarcadero Center, 8<sup>th</sup> Floor</b> <b>San Francisco, California 94111-3834</b>	Direct Telephone Calls to: (Name, Reg. No., Telephone No.) Name: <b>Kenneth A. Weber</b> Reg. No.: <b>31,677</b> Telephone: <b>415-576-0200</b>
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Full Name of Inventor 1:	Last Name: <b>BARBER</b>	First Name: <b>JACK</b>	Middle Name or Initial:	
Residence & Citizenship:	City: <b>San Diego</b>	State/Foreign Country: <b>California</b>	Country of Citizenship: <b>United States</b>	
Post Office Address:	Post Office Address: <b>11987 Caneridge Place</b>	City: <b>San Diego</b>	State/Country: <b>California</b>	Postal Code: <b>92128</b>
Full Name of Inventor 2:	Last Name: <b>WELCH</b>	First Name: <b>PETER</b>	Middle Name or Initial:	
Residence & Citizenship:	City: <b>San Diego</b>	State/Foreign Country: <b>California</b>	Country of Citizenship: <b>United States</b>	
Post Office Address:	Post Office Address: <b>4689 East Talmadge Drive</b>	City: <b>San Diego</b>	State/Country: <b>California</b>	Postal Code: <b>92116</b>
Full Name of Inventor 3:	Last Name: <b>LI</b>	First Name: <b>XINQIANG</b>	Middle Name or Initial:	
Residence & Citizenship:	City: <b>San Diego</b>	State/Foreign Country: <b>California</b>	Country of Citizenship: <b>China</b>	
Post Office Address:	Post Office Address: <b>9372 Beak Point</b>	City: <b>San Diego</b>	State/Country: <b>California</b>	Postal Code: <b>92129</b>
Full Name of Inventor 4:	Last Name: <b>TRITZ</b>	First Name: <b>RICHARD</b>	Middle Name or Initial:	
Residence & Citizenship:	City: <b>San Diego</b>	State/Foreign Country: <b>California</b>	Country of Citizenship: <b>United States</b>	
Post Office Address:	Post Office Address: <b>9515 Genesse Avenue</b>	City: <b>San Diego</b>	State/Country: <b>California</b>	Postal Code: <b>92121</b>

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signature of Inventor 1  JACK BARBER Date <u>9/10/99</u>	Signature of Inventor 2  PETER WELCH Date <u>9/10/99</u>	Signature of Inventor 3  XINQIANG LI Date <u>9/10/99</u>
Signature of Inventor 4  RICHARD TRITZ Date <u>9/10/99</u>		

Please type a plus sign (+) inside this box → +

PTO/SB/81 (02-01)

Approved for use through 10/31/2002. OMB 0651-0035

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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<b>POWER OF ATTORNEY OR AUTHORIZATION OF AGENT</b>	<b>Application Number</b>	09/357,741
	<b>Filing Date</b>	07-20-1999
	<b>First Named Inventor</b>	Jack Barber
	<b>Title</b>	Substantially Complete Ribozyme Libraries
	<b>Group Art Unit</b>	1635
	<b>Examiner Name</b>	Mary M. Schmidt
	<b>Attorney Docket Number</b>	016556-002900US

I hereby appoint:

☒ Practitioners at Customer Number

20350

OR

☐ Practitioner(s) named below:

Name	Registration Number
	20350

Please Paste  
Number Bar Code  
Label here

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please change the correspondence address for the above-identified application to:

☒ The above-mentioned Customer Number.

OR

☐ Practitioners at Customer Number

20350

<input type="checkbox"/> Firm or Individual Name					
Address					
Address					
City		State		ZIP	
Country					
Telephone		Fax			

I am the:

☐ Applicant/Inventor.

☒ Assignee of record of the entire interest. See 37 CFR 3.71.

Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).

**SIGNATURE of Applicant or Assignee of Record**

Name	Immysol Incorporated By: Tsvi Goldenberg, Ph.D., Chairman & CEO
Signature	<i>T. Goldenberg</i>
Date	January 23, 2002

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below\*.

☐ \*Total of \_\_\_\_\_ forms are submitted.

Burden Hour Statement: This form is estimated to take 3 minutes to complete. Time will vary depending upon the needs of the individual case. Any Comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

SF 1298091 v1

**STATEMENT UNDER 37 CFR 3.73(b)**

Applicant/Patent Owner: Jack Barber, et al.

Application No./Patent No.: 09/357,741

Filed/Issue Date: 07-20-1999

Entitled: SUBSTANTIALLY COMPLETE RIBOZYME LIBRARIES

Immusol, Incorporated, a California corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of an undivided part interest

in the patent application/patent identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the Patent and Trademark Office at Reel 010800, Frame 0905, or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: \_\_\_\_\_ To : \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
2. From: \_\_\_\_\_ To : \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
3. From: \_\_\_\_\_ To : \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☐ Copies of assignments or other documents in the chain of title are attached.

**[NOTE:** A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.8]

The undersigned (whose title is supplied below) is empowered to sign this statement on behalf of the assignee.

January 23, 2002

Date

T. Goldenberg  
Signature

Tsvi Goldenberg, Ph.D.

Typed or printed name

Chairman & CEO

Title

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS**  
**(37 CFR 1.9(f) & 1.27(c)) - SMALL BUSINESS CONCERN**

Applicant or Patentee: Jack Barber, Peter Welch, Xinqiang Li, and Richard TritzApplication or Patent No.: 09/357,741Filed or Issued: July 20, 1999Title: SUBSTANTIALLY COMPLETE RIBOZYME LIBRARIES

I hereby declare that I am:

- ☐ the owner of the small business concern identified below:  
☒ an official of the small business concern empowered to act on behalf of the concern identified below:

Name of Small Business Concern: Immusol Inc.Address of Small Business Concern: 3050 Science Park Road  
San Diego, CA 92121

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled **SUBSTANTIALLY COMPLETE RIBOZYME LIBRARIES** by inventor(s) Jack Barber, Peter Welch, Xinqiang Li, and Richard Tritz described in:

- ☐ the specification filed herewith.  
☒ Application No. 09/357,741, filed July 20, 1999.  
☐ Patent No. \_\_\_\_\_, issued \_\_\_\_\_.

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights in the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern that would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).

\*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

Name \_\_\_\_\_  
Address \_\_\_\_\_

☐ Individual      ☐ Small Business Concern      ☐ Nonprofit Organization

Name \_\_\_\_\_  
Address \_\_\_\_\_

☐ Individual      ☐ Small Business Concern      ☐ Nonprofit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Name of Person Signing: Dr. Suzanne ZebedeeTitle of Person if Other than Owner: Vice President of Business DevelopmentAddress of Person Signing: 3050 Science Park Road  
San Diego, CA 92121

Signature \_\_\_\_\_

Date \_\_\_\_\_

9/10/99

JOINT

ASSIGNMENT

This Assignment is made by Jack Barber, Peter Welch, Xinqiang Li and Richard Tritz, all of San Diego, California, Assignors, to IMMUSOL INCORPORATED, Assignee, having a place of business at 3050 Science Park Road, San Diego, California, 92121.

WHEREAS, Assignors have invented a new and useful SUBSTANTIALLY COMPLETE RIBOZYME LIBRARIES for which an application for United States Letters Patent was filed on July 20, 1999, in the United States Patent and Trademark Office, bearing Serial No.09/357,741 and identified as Attorney Docket No: P-IU 3942;

WHEREAS, Assignors believe themselves to be the original inventors of the invention disclosed and claimed in said application for Letters Patent; and

WHEREAS, the parties desire to have a recordable instrument assigning the entire right, title and interest in and to said invention, said application and any Letters Patent that may be granted for said invention in the United States and throughout the world;

NOW, THEREFORE, in accordance with the obligations to assign the invention and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Assignors sell, assign, and transfer to Assignee, the entire right, title, and interest in and to said invention, said application and any Letters Patent that may be granted for said invention in the United States and throughout the world, including the right to file foreign applications directly in the name of the Assignee and to claim for any such foreign applications any priority rights to which such applications are entitled under international conventions, treaties, or otherwise.

Inventors: Barber et al.  
Serial No.: 09/357,741  
Filed: July 20, 1999  
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Assignors agree that, upon request and without further compensation, but at no expense to Assignors, they and their legal representatives and assigns will do all lawful acts, including the execution of papers and the giving of testimony, that may be necessary or desirable for obtaining, sustaining, reissuing, or enforcing Letters Patent in the United States and throughout the world for said invention, and for perfecting, recording, or maintaining the title of Assignee, its successors and assigns, to said invention, said application, and any Letters Patent granted for said invention in the United States and throughout the world.

Assignors represent and warrant that they have not granted and will not grant to others any rights inconsistent with the rights granted herein.

Assignors authorize and request the Commissioner of Patents and Trademarks of the United States and of all foreign countries to issue any Letters Patent granted for said invention, whether on said application or on any subsequently filed division, continuation, continuation-in-part or reissue application, to Assignee, its successors and assigns, as the assignee of the entire interest in said invention.

Inventors: Barber et al.  
Serial No.: 09/357,741  
Filed: July 20, 1999  
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IN WITNESS WHEREOF, Assignors have executed this Assignment  
on the date(s) provided below.

Assignor: Jack Barber

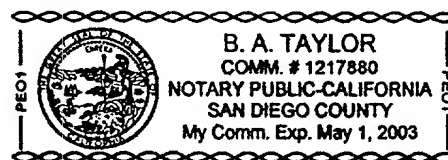
Jack Barber  
Signature

STATE OF CALIFORNIA )  
COUNTY OF SAN DIEGO )

On April 10, 2000, before me, B. A. Taylor  
personally appeared Jack Barber,  
personally known to me - OR - X proved to me on the basis of  
satisfactory evidence to be the person(s) whose name(s) is/are  
subscribed to the within instrument and acknowledged to me that  
he/she/they executed the same in his/her/their authorized  
capacity(ies), and that by his/her/their signature(s) on the  
instrument the person(s), or the entity upon behalf of which the  
person(s) acted, executed the instrument.

WITNESS by hand and official seal.

B. A. Taylor  
(Signature of Notary)





Inventors: Barber et al.  
Serial No.: 09/357,741  
Filed: July 20, 1999  
Page 4

Assignor: Peter Welch

Peter Welch

Signature

STATE OF CALIFORNIA )  
COUNTY OF SAN DIEGO )

On 4/4/00 before me Khristo Q. Rowe  
personally appeared Peter J. Welch,  
☒ personally known to me - OR - ☐ proved to me on the basis of  
satisfactory evidence to be the person(s) whose name(s) is/are  
subscribed to the within instrument and acknowledged to me that  
he/she/they executed the same in his/her/their authorized  
capacity(ies), and that by his/her/their signature(s) on the  
instrument the person(s), or the entity upon behalf of which the  
person(s) acted, executed the instrument.

WITNESS by hand and official seal.

K. Q. Rowe

(Signature of Notary)



Inventors: Barber et al.  
Serial No.: 09/357,741  
Filed: July 20, 1999  
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Assignor: Xinqiang Li

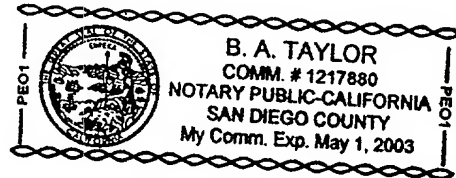
Xinqiang Li

STATE OF CALIFORNIA )  
COUNTY OF SAN DIEGO )

On April 10, 2000, before me, B. A. Taylor  
personally appeared Xinqiang Li,  
personally known to me - OR - X proved to me on the basis of  
satisfactory evidence to be the person(s) whose name(s) is/are  
subscribed to the within instrument and acknowledged to me that  
he/she/they executed the same in his/her/their authorized  
capacity(ies), and that by his/her/their signature(s) on the  
instrument the person(s), or the entity upon behalf of which the  
person(s) acted, executed the instrument.

WITNESS by hand and official seal.

B. A. Taylor  
(Signature of Notary)



Inventors: Barber et al.  
Serial No.: 09/357,741  
Filed: July 20, 1999  
Page 6

Assignor: Richard Tritz

Richard Tritz

STATE OF California )  
COUNTY OF San Diego )

On April 10, 2000, before me, B.A. Taylor  
personally appeared \_\_\_\_\_,  
\_\_\_\_\_ personally known to me - OR - X proved to me on the basis of  
satisfactory evidence to be the person(s) whose name(s) is/are  
subscribed to the within instrument and acknowledged to me that  
he/she/they executed the same in his/her/their authorized  
capacity(ies), and that by his/her/their signature(s) on the  
instrument the person(s), or the entity upon behalf of which the  
person(s) acted, executed the instrument.

WITNESS by hand and official seal.

B.A. Taylor  
(Signature of Notary)

